

FINDING OF NO SIGNIFICANT IMPACT/ DECISION RECORD

Middle Arroyo Fence Construction

NM-510-2010-0108

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

DECISION: It is my decision to authorize the construction of the barbed wire fence maintain proper range management, and to allow easy movement of wildlife on Allotment #63046, Middle Arroyo Ranch.

Location of the fence is as follows: Township 7 South, Range 21 East, Section 18  
Township 7 South, Range 20 East, Sections 4, 11, 12 and 13  
Township 6 South, Range 20 Section 30, 31 and 33

Chaves and Lincoln County  
New Mexico Principal Meridian

(Please refer to the map in the Environmental Assessment.)

The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2, any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

The protection procedures for the proposed action are included in the Cooperative Agreement and are attached as stipulations. Any additional mitigation measures identified for the proposed action in the environmental impacts sections of the attached environmental assessment have been formulated into stipulation. This decision incorporated by reference the attached stipulations.

In addition to the addressee, this decision has been provided to:

Middle Arroyo Ranch  
PO Box 1047  
Roswell, New Mexico 88201

New Mexico Department of Game & Fish  
1912 West Second  
Roswell, New Mexico 88201

Pursuant to the provisions of 43 CFR 4.21, 4.470 and 4160.4 you are allowed 30 days from the receipt of this Final Decision in which to file an appeal to the Field Office Manager and to those listed above for the purpose of a hearing before an Administrative Law Judge. Your appeal must state clearly and concisely in writing the reason(s) why you think the final decision is in error.

To receive consideration for staying the implementation of this decision, you must specify how you would be harmed if the stay were not granted. If a petition for stay is not granted, the decision will be put into effect following the 30-day appeal period. Appeals can be filed at the following address:

Field Office Manager  
Bureau of Land Management  
Roswell Field Office  
2909 West Second Street  
Roswell, NM 88201

In addition to filing at this address, those listed above must also be served copies of the appeal (43 CFR 4.470(a)).

/s/ J. Howard Parman  
J. Howard Parman, Acting Assistant Field Manager, Resources

June 9, 2010  
Date

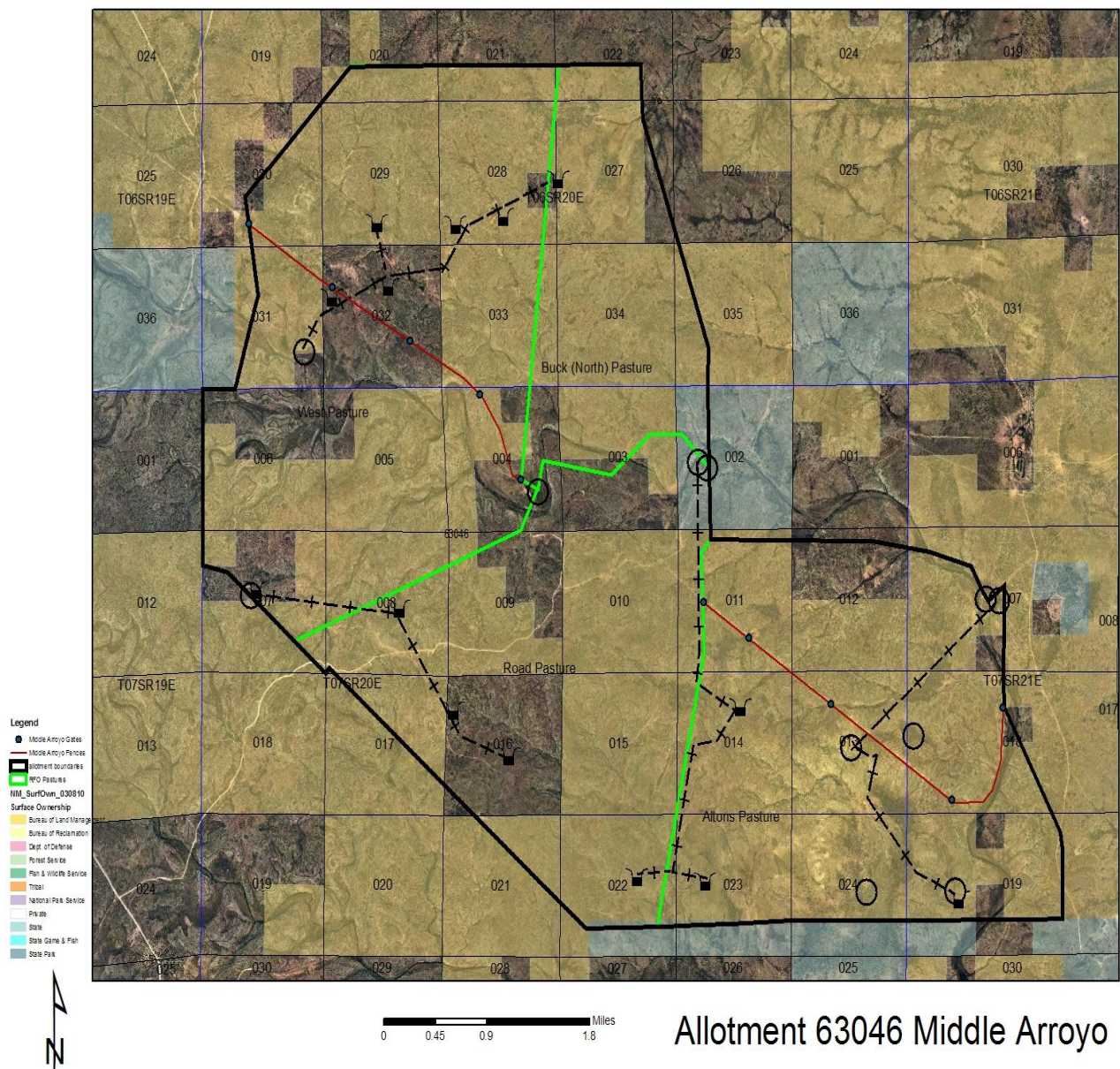
**BUREAU OF LAND MANAGEMENT**  
**ROSWELL FIELD OFFICE**  
**DOI-BLM-NM-P010-2010-108 EA**  
**Fence Installation**

Resources	Not Present on Site	No Impacts	May Be Impacts	Mitigation Included	BLM Reviewer	Date
Air Quality			X	X	SWA Spec/Hydrologist /s/ Michael McGee	6/2/2010
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	Geologist/Hydrologist /s/ Michael McGee	6/2/2010
Cultural Resources	X				/s/Rebecca L. Hill Archaeologist 10-R-039A 10-R-039B	13May2010
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern	X				/s/J H Parman Plan & Environ. Coord.	5/12/10
Farmlands, Prime or Unique			x	x	Realty /s/Tate Salas	5/19/2010
Rights-of-Way			x	x		
Invasive, Non-native Species	X				Range Mgmt. Spec. /s/ Shane Trautner	6/1/2010
Vegetation			X	<b>X</b>		
Livestock Grazing			X	<b>X</b>		
Wastes, Hazardous or Solid	X				/s/ Jared Reese Nat. Resource Spec.	6/09/2010
Threatened or Endangered Species	X				/s/ D Baggao  Biologist	5/12/10
Special Status Species	X					
Wildlife			X	X		
Wetlands/Riparian Zones	X					
Wild and Scenic Rivers	X				/s/Bill Murry Outdoor Rec. Planer	5/26/2010
Wilderness	X					
Recreation		X				
Visual Resources			X	X		
Cave/Karst		X				
Environmental Justice	X				/s/ Jared Reese Nat. Resource Spec.	6/09/2010
Public Health and Safety		X				
Solid Mineral Resources		<b>X</b>			/s/ Jerry Dutchover Geo/SPS	05/19/10
Fluid Mineral Resources		x			Geologist /s/ Jerry Dutchover	06/03/10

Environmental Analysis  
Middle Arroyo Fence Construction  
NM-510-2010-0108  
Allotment #63046  
Bureau of Land Management  
Roswell Field Office  
Roswell, New Mexico  
May, 2010

Location:  
New Construction  
Township 7 South, Range 21 East, Section 18  
Township 7 South, Range 20 East, Sections 4, 11, 12 and 13  
Township 6 South, Range 20 Section 30, 31 and 33

Chaves and Lincoln County  
New Mexico Principal Meridian



## I. INTRODUCTION

### Need For the Proposed Action

The need for the proposed action is to provide pasture fencing for livestock with the construction of 4 strand fence (3 barbed wire, 1 bottom smooth wire) across public land. The entire length of new fenceline on public land is approximately 3.60 miles. Approximately an additional 1.0 miles of fence will be constructed on private land.

Existing fences, water developments, and other range improvements needed to implement grazing systems or other management plans were incorporated or new ones were designed during specific management plan development. Other range improvements may be addressed as the need becomes apparent on allotments without documented allotment management plans. No allotment management plan is currently on file for this allotment with the Bureau of Land Management.

Range fencing and water developments facilitate the handling of and caring for livestock. The location of fence developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997).

Relationship to Statutes, Regulations, or Other Plans: The construction of fences as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statutes, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(r))

The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)

The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),

The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

## II. PROPOSED ACTION AND ALTERNATIVES

### A. Proposed Action

The proposed action is the construction of a four strand fence; (3 barbed wire, bottom wire smooth); to be built in two segments. The first segment will serve to divide the South eastern pasture, known as Altons Pasture. The second segment will divide the West pasture. The entire project will be funded and built by the allotment operator.

The fences will be constructed using the standard construction methods.

No other fences are currently planned on the ranch. The location of the proposed fence is Township 7 South, Range 21 East, Section 18, Chaves County, New Mexico Principal Meridian, and in Township 7 South, Range 20 East, Sections 4, 11, 12 and 13, Township 6 South, Range 20 Section 30, 31 and 33 in Lincoln County, New Mexico Principal Meridian, New Mexico.

The new fences will be located on public and private surface and will be constructed under a Cooperative Range Improvement Agreement. The allottee will be responsible for the material and construction and for the maintenance of all of the fence (See attached Map).

Standard measures that will be included in the authorization for these projects are:

No blading will occur on public land, unless authorized by the Authorized Officer.

Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.

Fence post spacing shall be up to 15 feet.

BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.

Wire spacing will be at 16", 6", 8" and 12" measuring from the ground up.

No road is authorized as a part of this project for construction or maintenance.

Gates or cattle guards will be installed on existing roads to ensure public access.

Brush will be cleared by hand with hand tools.

The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

### Alternatives

#### **1. No Action - Alternative 1**

This alternative would leave the existing pasture configurations as is. By not constructing the fence, utilization patterns would remain the same. Livestock would continue to use only certain areas of the pasture. Construction of the fence will allow the allottee to implement a grazing system which will modify utilization patterns across the ranch, and allow areas in the existing pasture to be rested periodically from use during the growing season.

#### **2. Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed fence. The alternatives would: a. add length to the fenceline; b. would cause more impact to the affected resources on the alternate route or



c. would not be economical to install, maintain or use. To re-route the fenceline would cause a concentration of the livestock use to one side of the ranch or the other.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

### III. AFFECTED ENVIRONMENT

#### A. General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed fence is to be located on the Middle Arroyo Ranch, Allotment 63046. The Middle Arroyo Ranch Allotment is located approximately thirty miles north west of Roswell, lying west of US Highway 285 and north of NM 246 Pine Lodge Road. The environmental assessment for authorization of grazing and issuance of a long term permit was completed and the Decision Record was issued for EA # NM-066-99-069 on August 10, 1999. The permit authorized 398 Animal units yearlong at 82% Federal range for 3787 Animal Unit Months.

The major regional industries are ranching, with some oil and gas development, as well as seasonal hunting.

The critical elements of ACEC's, Prime or Unique Farmlands, Floodplains, Cultural resources, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Threatened/Endangered Species, Low Income/Minority Populations and Wilderness will not be affected. A cultural resource inventory survey was completed in April, 2010.

#### B. Affected Resources and Environmental Consequences.

##### Air Quality:

BLM is required to comply with the Clean Air Act, as amended, and State Implementation Plans. The proposed area has not been identified as a non-attainment area. Additionally, throughout most of the year the air quality throughout Lincoln County is very good and is considered clean. Air quality will be temporarily impacted only during the dry spring months, windstorms and blowing dust can become a problem throughout the area.

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil and exhaust emissions from motorized equipment.

## **Environmental Consequences –**

Air quality would temporary be directly impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct the project. Dust dissemination would discontinue upon completion of the construction phases of the project. Air pollution from the motorized equipment would discontinue at the completion of the project. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction of the project is completed. Other factors that currently affect air quality in the area include dust from livestock herding activities, dust from recreational use, and dust from use of roads for vehicular traffic.

There would be some impact to air resources in the short term resulting from construction activities. The construction activities would cause temporary increase in dust concentrations in construction areas. The use of standard construction dust mitigation procedures would help control emissions.

### **Soils:**

The Soil Conservation Service, now the Natural Resource Conservation Service (NRCS), has surveyed the soils in Lincoln County. Complete soil information is available in the *Soil Survey of Lincoln County, New Mexico, (USDA Soil Conservation Service 1983)*. The soil map units represented in the project area are:

Blakeney-Arch association, moderately undulating, 0 to 8 percent slopes (3) Runoff of the Blakeney soil is medium. Permeability is moderately rapid. The hazard of water erosion is moderate. The hazard of soil blowing is high. Runoff of the Arch soil is medium. Permeability is moderate. The hazard of water erosion is moderate. The hazard of soil blowing is high.

The Soil Conservation Service, now the Natural Resource Conservation Service (NRCS), has surveyed the soils in Chaves County. Complete soil information is available in the *Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980)*. The soil map units represented in the project area are:

Deama-Pasturea association, 0 to 150 percent slopes (DPC) Permeability of the Deama soil is moderate. Runoff of the soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is slight. Permeability of the Pastura soil is moderate. Runoff of the soil is rapid and the hazard of water erosion is high and the hazard of soil blowing is high.

## **Environmental Consequences –**

The construction of the project would physically disturb topsoil during the placement of the posts and gates. Direct impacts resulting from the construction of the project include removal of vegetation along the fenceline, exposure of the soil, compaction by livestock trailing along the new fence, loss of top soil productivity and susceptibility to wind and water erosion.

Wind erosion would be expected to be a minor contributor to soil erosion with the possible exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation.

## **Mitigation**

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation, resulting in cessation of project related erosion or runoff.

**Vegetation:** The proposed project areas predominately fit the Shallow Limestone Hills CP-3 Range Site description and the Shallow CP-3 Range Site description with small inclusion of a Loamy CP-3 and Swale CP-3 Range sites. The vegetation for these sites at climax (potential) includes grasses such as black grama, sideoats, little bluestem, blue grama, New Mexico feathergrass, mountain muhly, bottlebrush squirreltail and hairy grama. The shrub component includes juniper, pinon, algerita, winterfat and apache plume, while forbs such as indian paintbrush, wooly indian wheat and penstemon, scarlet globemallow and mariola occur.

## **Environmental Consequences –**

Vegetation disturbance would be localized to the immediate area of the project. A small amount of vegetation would be destroyed where the posts and gates are set alongside this route. The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

**Invasive, Non-Native Species:** A noxious weed is defined as a plant that causes disease or has other adverse effects on the human environment and is, therefore, detrimental to the public health and to the agriculture and commerce of the United States. Generally, noxious weeds are aggressive, difficult to manage, parasitic, are carriers or hosts of harmful insects or disease, and are either native, new to, or not common in, the United States. In most cases, however, noxious weeds are non-native species.

The list currently includes the following weeds: 1) African rue (*Peganum harmala*), 2) black henbane (*Hyoscyamus niger*), 3) bull thistle (*Cirsium vulgare*), 4) camelthorn (*Alhagi pseudalhagi*), 5) Canada thistle (*Cirsium arvense*), 6) dalmatian toadflax (*Linaria genistifolia* ssp. *Dalmatica*), 7) goldenrod, (*Solidago Canadensis*) 8) leafy spurge (*Euphorbia esula*), 9) Malta starthistle (*Centaurea melitensis*), 10) musk thistle (*Carduus nutans*), 11) poison hemlock (*Conium maculatum*), 12) purple starthistle (*Centaurea calcitrapa*), 13) Russian knapweed (*Centaurea repens*), 14) Scotch thistle (*Onopordum acanthium*), 15) spotted knapweed (*Centaurea maculosa*), 16) teasel (*Dipsacus fullonum*), 17) yellow starthistle (*Centaurea solstitialis*), 18) yellow toadflax (*Linaria vulgaris*), 19) Russian olive (*Elaeagnus angustifolia*), 20) Saltcedar (*Tamarix* spp.), 21) Siberian elm (*Ulmus pumila*).

Of the noxious weeds listed, the ones with known populations in the Roswell Field Office are African rue, non-native thistles (*Cirsium* spp.) such as bull thistle and Canada thistle, leafy

spurge, poison hemlock, teasel, musk thistle, goldenrod, Malta starthistle, Russian knapweed, tamarix species, Siberian elm, Russian olive and Scotch thistle. Also "problem weeds" of local concern are cocklebur (*Xanthium* spp.), buffalobur (*Curcubita foetidissima*) and spiny cocklebur (*Xanthium spinosum*). "Problem weeds" are those weeds which may be native to the area but whose populations are out of balance with other local flora.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Further, noxious weeds can negatively affect livestock and dairy producers by increasing their feed and animal health care costs. Increased costs to operators are eventually borne by consumers. Noxious weeds also affect recreational uses, and reduce realty values of both directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs using funds generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

There are no known noxious or invasive species populations within the boundaries of allotment #63046.

### **Environmental Consequences**

There is an opportunity for noxious weeds to become established within the proposed fenceline route. Monitoring the area after installation will be conducted to ensure that weeds do not become established. If new weed populations are discovered, they will be aggressively treated.

**Visual:** The proposed route for the fence is contained in an area which is considered to be Class IV Visual Resource Class Area. Class IV provides for management activities which require major modification to the existing character of the landscape. The level of change in these areas can be high.

### **Environmental Consequences:**

There would be a short-term change in the color and texture along this fenceline route.

Mitigation:

The area of disturbance should naturally re-vegetate within two growing seasons lessening the evidence of the fenceline.

**Wildlife:** This allotment is within the Macho Habitat Management Area. Game species occurring with the area include mule deer, mourning dove, and scaled quail. Raptors that utilize the area on a more seasonal basis include the Swainson's, red-tailed, and ferruginous hawks, American kestrel, and great horned owl. Numerous passerine birds utilize the

grassland areas due to the variety of grasses, forbs and shrubs. The most common include the western meadowlark, mockingbird, horned lark, killdeer, loggerhead shrike, and vesper sparrow.

The warm prairie environment supports a large number of reptile species compared to higher elevations. The more common reptiles include the short-horned lizard, lesser earless lizard, eastern fence lizard, coachwhip, bullsnake, prairie rattlesnake and western rattlesnake.

#### **Environmental Consequences:**

There will be short-term disruptions to wildlife during the installation phase. No additional mitigating measures would be needed if the standard operating procedures and design features are adhered to.

#### **Threatened and Endangered Species:**

There are no known threatened or endangered species of plant or animals on Allotment 63046. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment.

#### **Environmental Consequences:**

There will be short-term disruptions to T & E species during the installation phase. No additional mitigating measures will be needed if the standard operating procedures and design features previously discussed are adhered to.

#### **Livestock Grazing:**

Middle Arroyo Ranch allotment #63046 is operated as cow/calf ranch on a year-long basis. Livestock are rotated through pastures which provide some grazing deferment during each year.

#### **Environmental Consequences –**

Beneficial impacts to livestock would occur due to a more consistent pasture sizes and better distribution. No changes in livestock numbers would occur.

#### **Mineral and Oil and Gas development:**

There are existing leases/permits for mineral materials and oil and gas throughout this area.

#### **Environmental Consequences**

No impacts are anticipated with the mineral developments in the project area.

### **Land, Realty and Rights-of-Way:**

Rights-of-Way for pipelines, power lines, communication sites and access routes are permitted within the Roswell Field Office area.

### **Environmental Consequences:**

To avoid unforeseen impacts to the oil and gas industry and to allow for safety, all oil and gas operators and right-of-way holders will be contacted prior the start of construction.

### **Cultural**

The project falls within the Southeastern New Mexico Archaeological Region. This region contains the following cultural/temporal periods: Paleoindian (ca. 12,000-8,000 B.C.), Archaic (ca. 8000 B.C. –A.D. 950), Ceramic (ca. A.D. 600-1540) Protohistoric and Spanish Colonial (ca. A.D. 1400-1821), and Mexican and American Historical (ca. A.D. 1822 to early 20th century). Sites representing any or all of these periods are known to occur within the region. A more complete discussion can be found in *Living on the Land: 11,000 Years of Human Adaptation in Southeastern New Mexico An Overview of Cultural Resources in the Roswell District*, Bureau of Land Management published in 1989 by the U.S. Department of the Interior, Bureau of Land Management. A cultural resource inventory shall be conducted of the area of effect for the proposed project prior to any ground disturbing activities.

A cultural resource inventory was conducted for the area of effect (10-R-039A, 10-R-039B), no Historic Properties were identified. No cultural resources will be affected.

### **CUMULATIVE IMPACTS**

A cumulative impact is defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

Analysis of cumulative impacts is driven by major resource issues. The action considered in this environmental assessment (EA) is the installation of a fenceline on allotment #63046.

Roads, fences, stock trails and water well development have occurred in the past and may contribute to the cumulative impacts of the area. This is in addition to oil and gas field development in the area. The proposed action will not contribute significantly to the cumulative impacts to the area.

### **C. DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:**

Mitigation Incorporated into the Proposed Action: A linear area of disturbance from the fenceline will remain on the landscape. This feature will not stand out significantly on the

landscape due to the fact that it will be installed along an existing major gas line and natural re-vegetation along the fence will occur. The results of the proposed action will not substantially change the plant and animal communities of the project area .

#### IV. PERSONS OR AGENCIES CONSULTED

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

Middle Arroyo Ranch, Allottee of Allotment #63046  
Russell Fox, Support Services  
Adam Ortega, Rangeland Management Specialist  
Kyle Arnold, Rangeland Management Specialist  
Shane Trautner, Rangeland Management Specialist  
Dan Baggao, Wildlife Biologist  
Randy Howard, Wildlife Biologist  
Michael McGee, Hydrologist  
Tate Salas, Realty Specialist  
John Simitz, Petroleum Engineer  
Howard Parman, Planning and Environmental Coordinator  
Bill Murry, Outdoor Recreation Planner  
Rebecca L. Hill, Archaeologist

Prepared by:

/s/ Helen C.J. Miller  
Helen C.J. Miller, Rangeland Management Specialist

5/7/2010  
Date





## STIPULATIONS

1. No blading will occur on public land, unless authorized by the Authorized Officer.
2. Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.
3. Fence post spacing shall be up to 150 feet.
4. Wire spacing will be at 16", 6", 8" and 12" measuring from the ground up.
5. BLM reserves the right to alter any fence on Federal land should it be necessary for wildlife purposes.
6. No road is authorized as a part of this project for construction or maintenance.
7. Gates or cattle guards will be installed on existing roads to ensure public access.
8. Brush will be cleared by hand with hand tools.
9. The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer, after consulting with the co-operator/contractor.
11. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.
12. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

13. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.